



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application of

Thorsten MAYER et al.

Before the Board of Appeals

Serial No. 10/534,125

Art Unit: 3748

Filed: November 18, 2005

Examiner: T. Nguyen

For: Method for After Treatment of Exhaust Gases, and Exhaust Gas After Treatment Array

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: September 27, 2007

APPELLANT'S REPLY BRIEF (37 CFR 41.41)

Sir:

This Reply Brief is filed in response to the Examiner's Answer mailed on July 27, 2007.

In the Examiner's Answer, the examiner continues to construe Krutzsch et al as teaching the steps of "subjecting an hydrogen producing fluid (water, methanol, HC) at least intermittently to a chemical conversation (in hydrogen generator (6) into a second auxiliary agent (hydrogen) (see lines 56-60 of column 2)" (Answer, page 3) and "storing the second auxiliary agent in an intermediate reservoir (6) (lines 56-60 of column 2)" (Answer, page 3).

The Board's attention is directed to the appellants' brief, page 10, where it was pointed out that in col. 2, lines 56-60, Krutzsch et al uses the words "generating or storing," not generating and storing.

As to the examiner's conclusion that it would have been obvious to combine the teachings of Akama et al with those of Krutzsch et al, the appellants again point out that it is well established in case law that there is no suggestion to combine the teachings of two references, if one of the references teaches away from its combination with the other. See, Appellants' Brief, pages 13 and 14.

Akama et al teaches using fuel as a source of hydrogen in a system specifically designed to operate with a diesel engine which produces a low exhaust gas temperature condition, that is, a temperature of 200° C or lower. See, Akama et al, paras. 2 and 3. Further, the secondary reference to Akama et al is a special case designed for particular engines in which the operating temperature of the exhaust gas never reaches above 250° C. Thus, it is not appropriate to consider the reference to Akama et al as a reference which teaches anything relevant to the engine of Krutzsch et al, as the engines of these two references operate under entirely different conditions. Particularly, the engine of Akama et al never reaches the normal operating conditions of the engine of Krutzsch et al. See, for example, Krutzsch et al, col. 1, ll. 60-65 and claim 11.

Turning to the rejection of claims 21-28, the examiner continues to insist that the selection of a substance that releases ammonia at sufficiently high temperatures as the first auxiliary agent is a matter of design choice, if the system disclosed in Krutzsch et al were to be used with a gasoline engine.

Again, it is emphasized that there is no evidence of record that the nitrogen oxide content in the exhaust gases of a gasoline engine would be reduced on a catalyst as a function

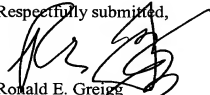
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of operating temperatures with at least the same results obtained by the use of hydrocarbons and hydrogen taught by Krutzsch et al. The examiner's finding that urea and ammonia are equivalent to hydrocarbons and hydrogen in Krutzsch et al process is simply speculation.

Conclusion

For the reasons stated in the Appeal Brief and above, the appellants request that the Examiner's rejection of the claims be reversed.

Respectfully submitted,



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